IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 29114 of 1995

Between:

Kum. Ch. Ashalatha, D/o. Ch. Yugandhar,
R/o. Peddapally, Kareemnagar District.

..... PETITIONER

AND

The Executive Officer, Grampanchayat, Peddapally,
Kareemnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent herein in resorting to demolish the TELLA 226 of the petitioner situated at Peddapally, Kareemnagar District, as arbitrary, illegal and without jurisdiction, being violative of Articles 14, 19 (1) G, and 21 of the Constitution of India.

For the Petitioner: **MR.CH.JANARDHAN REDDY, ADVOCATE.**

For the Respondent: **GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT**

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a declaration that the action of the respondent in resorting to demolish the telephone booth (TELLA 226) of the petitioner situated at Peddapally, Kareemnagar District, as arbitrary, illegal and without jurisdiction.

3. It appears from the affidavit, filed in support of the writ petition, that the petitioner had erected a telephone booth pursuant to the permission granted by the respondent on payment of Rs.25/- as monthly rental. It is also the averment of the petitioner that subsequently the respondent had passed a resolution, dated 20-12-1995, to demolish the said telephone booth of the petitioner.

4. No further information is forthcoming as to whether the petitioner is

continuing the said telephone booth pursuant to the interim stay granted by this Court in W.P.M.P.No.35956 of 1995, dated 22-12-1995.

5. It is to be noted that it is the respondent who granted permission to the petitioner to erect the telephone booth and for the reasons not known the respondent had passed a resolution, dated 20-12-1995, to remove the said telephone booth. Whatever might be the reasons for the respondent to take a decision to demolish the telephone booth, it is desirable to put the petitioner on notice before resorting to demolish the same.

6. Therefore, if the petitioner is permitted to have the possession of the said telephone booth pursuant to the order of interim stay granted by this Court in W.P.M.P.No.35956 of 1995, dated 22-12-1995, the respondent is at liberty to take any action having regard to the resolution, dated 20-12-1995, passed by the respondent, in accordance with law.

7. With the above observations, the writ petition is disposed of. However, there shall be no order as to costs.

D.S.R.VARMA, J

30TH SEPTEMBER 2004

KRK

To

1.The Executive Officer, Grampanchayat, Peddapally, Kareemnagar District.

2.Two CCs to Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad. (OUT)

3.Two CD copies.